

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

C&J ASSOCIATES PEST CONTROL,

Plaintiff,

v.

CV No. 2:06-CV-00884-MEF

BOB RILEY, et al.,

Defendants.

REPORT OF PARTIES' PLANNING MEETING

Pursuant to *Fed. R. Civ. P.* 26(f), and the Court's Order dated December 22, 2006, the parties have conferred and developed the following proposed discovery plan:

1. **Pre-Discovery Disclosures:** On or before February 12, 2007, the parties will exchange the information required by *Fed. R. Civ. P.* 26(a)(1).
2. **Discovery Plan:** The parties agree, and move the Court, to stay discovery pending a ruling on the pending qualified immunity issues.

Notwithstanding this agreement, the Plaintiff contends he is entitled to certain public records relevant to the bid that is the subject of his lawsuit, pursuant to Public Record's Law. Defendant Mental Health and Mental Retardation offers to make those records available to the Plaintiff, if he will contact its attorney, Benjamin Albritton. Nor do the Defendants object to the Plaintiff seeking those records by formal discovery pending the Court's ruling on the qualified immunity issues, provided that the discovery methods utilized by the Plaintiff in this endeavor are subject to the limitations in the following Discovery Plan:

The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the claims Plaintiff has asserted, Defendants' affirmative defenses, and the damages alleged to have been suffered by the Plaintiff. All discovery should be commenced in time to be completed by September 17, 2007.

Interrogatories (Responses due 30 days after service):

Maximum of 25 interrogatories by each party to each party.

Requests for Production of Documents (Responses due 30 days after service):

Maximum of 25 requests for production by each party to each party.

Request for Admission (Responses due 30 days after service):

Maximum of 25 requests for admission by each party to each party.

Depositions:

Maximum of 20 depositions for each party. These depositions do not include expert depositions. Depositions shall be limited to a maximum of seven (7) hours unless extended by agreement of the parties or by direction of the Court.

Experts:

Reports from retained experts under *Fed. R. Civ. P.* 26(a)(2) due:

From Plaintiff: May 15, 2007

From Defendants: June 15, 2007

Supplementation under *Fed. R. Civ. P.* 26(e)(1) is an ongoing and continuing requirement but must be made no later than 30 days before the close of discovery.

3. **Other Items:** The parties request a final pretrial conference on or around October 1, 2007.

The deadline for Plaintiff to join additional parties and to amend the pleadings is May 15, 2007, unless good cause is shown otherwise. The deadline for the Defendants to join additional parties and to amend the pleadings is May 30, 2007, unless good cause is shown otherwise.

All potentially dispositive motions will be filed by August 7, 2007.

The parties have discussed whether this action may be suitable for mediation under the Court's Alternative Dispute Resolution Plan. Until discovery is conducted, the parties do not believe mediation would be productive. The parties will inform the Court when it appears this case is suitable for mediation.

At least 30 days prior to trial, the parties shall exchange a final list of witnesses and exhibits under *Fed. R. Civ. P.* 26(a)(3).

Defendants and Plaintiffs agree to evaluate settlement possibilities on a continuing basis.

The parties should have 14 days after service of final lists of witnesses and exhibits to identify and serve objections under *Fed. R. Civ. P.* 26(a)(3).

This case should be ready for trial during the term starting November 5, 2007. The parties anticipate that the trial of the matter should not exceed five (5) days.

Pursuant to this Court's Rules governing Electronic Case Filing II.C. 3, the undersigned represents that the attorneys for the defendants have approved this Report. Under the circumstances as described in the Introduction to this report filed herewith, it is not represented that the Plaintiff agrees to each provision hereof.

Respectfully submitted this 16th day of January, 2007.

/s/ Richard H. Cater
Richard H. Cater
Bar Number: ASB-0782-C42R

ADDRESS OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Scott L. Rouse, Esq.
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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Curtis Duncan
C&J Associates Pest Control
P.O. Box 8186
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Respectfully submitted,
/s/ Richard H. Cater
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